

HOUSE BILL 1108

N1, L2
HB 1479/10 – ENV

11r0681

By: **Prince George's County Delegation**

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Abandoned Property Registry**

3 **PG 414–11**

4 FOR the purpose of authorizing Prince George's County to enact a local law
5 establishing an abandoned property registry for certain property located in the
6 county; requiring a local law enacted under this Act to require a certain creditor
7 owner to register certain abandoned residential property, to pay a certain
8 registration fee, and to be responsible for the maintenance and security of the
9 abandoned property; requiring a local law enacted under this Act to require a
10 certain creditor owner to provide certain information on the property; requiring
11 the county to establish a special fund for the deposit of registration fees to be
12 used for certain purposes; requiring a local law enacted under this Act to
13 require a certain creditor owner who transfers title of or rents an abandoned
14 property to notify the county; requiring the county to delete the property from
15 the registry under certain circumstances; requiring a local law enacted under
16 this Act to make the failure to maintain and secure the abandoned property a
17 misdemeanor subject to a certain penalty; requiring a local law enacted under
18 this Act to subject a creditor owner to a certain civil penalty for failing to
19 register an abandoned property; defining certain terms; and generally relating
20 to the authority of Prince George's County to enact a local law establishing an
21 abandoned property registry.

22 BY repealing and reenacting, without amendments,
23 Article – Real Property
24 Section 7–105.1(a)(1) and (9)
25 Annotated Code of Maryland
26 (2010 Replacement Volume and 2010 Supplement)

27 BY adding to
28 Article – Real Property

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 14–126(d)
2 Annotated Code of Maryland
3 (2010 Replacement Volume and 2010 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article – Real Property**

7 7–105.1.

8 (a) (1) In this section the following words have the meanings indicated.

9 (9) “Residential property” means real property improved by four or
10 fewer single family dwelling units that are designed principally and are intended for
11 human habitation.

12 14–126.

13 **(D) (1) (I) IN THIS SUBSECTION THE FOLLOWING TERMS HAVE THE**
14 **MEANINGS INDICATED.**

15 **(II) “ABANDONED PROPERTY” MEANS RESIDENTIAL**
16 **PROPERTY THAT IS NOT OCCUPIED AND UNDER A CURRENT NOTICE OF**
17 **DEFAULT, NOTICE OF TRUSTEE’S SALE, PENDING TAX LIEN SALE, OR THAT HAS**
18 **BEEN THE SUBJECT OF A FORECLOSURE SALE WHERE THE TITLE WAS RETAINED**
19 **BY THE BENEFICIARY OF A DEED OF TRUST INVOLVED IN THE FORECLOSURE OR**
20 **THAT IS TRANSFERRED UNDER A DEED IN LIEU OF FORECLOSURE OR SALE.**

21 **(III) “CREDITOR OWNER” MEANS A:**

22 **1. TRUSTEE;**

23 **2. PERSON WHO PURCHASED A VACANT**
24 **RESIDENTIAL PROPERTY FROM A TRUSTEE; OR**

25 **3. PERSON WHO ACCEPTED A DEED IN LIEU OF**
26 **FORECLOSURE FROM A PERSON WHO WAS IN DEFAULT OF A LOAN SECURED BY**
27 **THE VACANT RESIDENTIAL PROPERTY.**

28 **(IV) “DEBTOR OWNER” MEANS A PERSON WHO OWNS OR HAS**
29 **OWNED RESIDENTIAL PROPERTY THAT IS SUBJECT TO SALE BY A TRUSTEE AND**
30 **HAS VACATED THE PROPERTY AT THE REQUEST OR DEMAND OF A CREDITOR**
31 **OWNER.**

1 **2. IS AUTHORIZED IN WRITING TO ACCEPT NOTICES**
2 **OF VIOLATIONS OF THE LOCAL LAW ENACTED UNDER THIS SUBSECTION FROM**
3 **THE COUNTY.**

4 **(5) (I) A LOCAL LAW ENACTED UNDER THIS SUBSECTION**
5 **SHALL REQUIRE THAT THE CREDITOR OWNER PAY THE COUNTY AN ANNUAL**
6 **REGISTRATION FEE OF \$75 FOR EACH ABANDONED PROPERTY.**

7 **(II) THE COUNTY SHALL DEPOSIT THE REGISTRATION FEE**
8 **IN A SPECIAL FUND TO BE USED ONLY FOR THE PURPOSE OF MAINTAINING**
9 **ABANDONED PROPERTIES IN THE JURISDICTION IN ACCORDANCE WITH LOCAL**
10 **LAW.**

11 **(6) A LOCAL LAW ENACTED UNDER THIS SUBSECTION SHALL**
12 **REQUIRE THAT THE CREDITOR OWNER:**

13 **(I) MAINTAIN THE REGISTERED ABANDONED PROPERTY**
14 **AND KEEP THE PROPERTY FREE FROM DEAD VEGETATION AND THE**
15 **ACCUMULATION OF DISCARDED ITEMS THAT GIVE THE APPEARANCE OF THE**
16 **PROPERTY BEING NOT OCCUPIED AND NOT MEETING NEIGHBORHOOD**
17 **STANDARDS; AND**

18 **(II) SECURE THE REGISTERED ABANDONED PROPERTY SO**
19 **THE PROPERTY IS NOT ACCESSIBLE TO UNAUTHORIZED INDIVIDUALS.**

20 **(7) (I) A LOCAL LAW ENACTED UNDER THIS SUBSECTION**
21 **SHALL REQUIRE THE CREDITOR OWNER WHO SELLS OR TRANSFERS TITLE TO**
22 **ABANDONED PROPERTY TO A PERSON WHO INTENDS TO OCCUPY THE PROPERTY**
23 **OR WHO OBTAINS A RENTAL LICENSE AND INTENDS TO RENT THE PROPERTY TO**
24 **NOTIFY AND PROVIDE DOCUMENTATION TO THE COUNTY THAT THE PROPERTY**
25 **HAS BEEN TRANSFERRED.**

26 **(II) ON RECEIPT OF THE NOTICE AND DOCUMENTATION**
27 **REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COUNTY**
28 **SHALL DELETE THE PROPERTY FROM THE REGISTRY.**

29 **(8) A LOCAL LAW ENACTED UNDER THIS SUBSECTION SHALL**
30 **REQUIRE THAT:**

31 **(I) THE FAILURE TO MAINTAIN AND SECURE THE**
32 **PROPERTY AS PROVIDED IN THE LOCAL LAW IS A MISDEMEANOR AND, ON**
33 **CONVICTION, SUBJECTS THE CREDITOR OWNER TO A FINE AS PROVIDED IN THE**
34 **LOCAL LAW; AND**

1 **(II) THE FAILURE TO REGISTER AN ABANDONED PROPERTY**
2 **AS PROVIDED IN THE LOCAL LAW SUBJECTS THE CREDITOR OWNER TO A CIVIL**
3 **PENALTY AS PROVIDED IN THE LOCAL LAW.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2011.